

FIRST REGULAR SESSION

SENATE BILL NO. 52

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOFFER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0163S.02I

AN ACT

To amend chapter 227, RSMo, by adding thereto two new sections relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 227, RSMo, is amended by adding thereto two new sections, to be known as sections 227.102 and 227.103, to read as follows:

227.102. 1. Notwithstanding any other provision of law to the contrary, the commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the Internet. Such electronically submitted bids and bid bonds shall contain digital signatures and seals, and all other required bid information and certifications, in accordance with commission administrative rules, sections 432.200 to 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its discretion, the commission may elect to receive both electronic and paper bids, or the commission may specify electronic bidding exclusively for any proposed contract.

2. Any electronic bidding program or service implemented by the commission and the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:

(1) Each bidder must be able to transmit an electronic bid and bid bond securely and confidentially through bid encryption or other protection measures;

(2) Each bidder must receive prompt confirmation of the timely electronic filing of the bidder's bid and bid bond;

(3) Each bidder must be able to withdraw or replace the bidder's

21 filed electronic bid and bid bond prior to the time bids are opened;

22 (4) Each bid filed electronically must be inaccessible or
23 unreadable to all others except for the bidder prior to the time bids are
24 opened;

25 (5) The portal for filing bids must have a mechanism to block any
26 additional bids or modifications to bids when bids are scheduled to be
27 opened; and

28 (6) Commission representatives and officials of the department of
29 transportation must have full and immediate access to the bids and bid
30 bonds at the time bids are designated to be opened, but not prior to that
31 time.

32 3. The commission is authorized to promulgate administrative
33 rules to administer the provisions in this section. Any rule or portion
34 of a rule, as that term is defined in section 536.010, RSMo, that is created
35 under the authority delegated in this section shall become effective only
36 if it complies with and is subject to all of the provisions of chapter 536,
37 RSMo, and, if applicable, section 536.028, RSMo. This section and
38 chapter 536, RSMo, are nonseverable and if any of the powers vested
39 with the general assembly pursuant to chapter 536, RSMo, to review, to
40 delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking
42 authority and any rule proposed or adopted after August 28, 2007, shall
43 be invalid and void.

227.103. 1. Notwithstanding any other provision of law to the
2 contrary, the commission is authorized to accept an annual bid bond for
3 state highways and transportation commission construction and
4 maintenance projects. The commission shall prescribe the form and
5 content of an annual bid bond pursuant to the procedures set forth in
6 the Missouri standard specifications for highway construction, or its
7 successor.

8 2. The commission is authorized to promulgate administrative
9 rules to administer the provision in this section. Any rule or portion of
10 a rule, as that term is defined in section 536.010, RSMo, that is created
11 under the authority delegated in this section shall become effective only
12 if it complies with and is subject to all of the provisions of chapter 536,
13 RSMo, and, if applicable, section 536.028, RSMo. This section and
14 chapter 536, RSMo, are nonseverable and if any of the powers vested

15 with the general assembly pursuant to chapter 536, RSMo, to review, to
16 delay the effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2007, shall
19 be invalid and void.

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